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*Attorneys for Plaintiff C.R. Bard, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

C. R. BARD, INC., a New Jersey  
 corporation,

Plaintiff,

v.

MEDICAL COMPONENTS, INC., a  
 Pennsylvania corporation,

Defendant.

**STATUS REPORT**

Case No. 2:12-cv-00032-RJS

Judge Robert J. Shelby

Plaintiff, through its counsel of record, provides the following joint status report:

1. On January 11, 2012, Plaintiff C.R. Bard, Inc. (“Bard”) filed the following three patent cases in the United States District Court for the District of Utah: (i) Bard v. Medical Components (Case No. 2:12-cv-00032) (“the Medcomp case”); (ii) Bard v. AngioDynamics (Case No. 2:12-cv-00035) (“the AngioDynamics case”); and (iii) Bard v. Smiths Medical ASD (Case No. 2:12-cv-00036) (“the Smiths case”) (collectively, “Bard Actions”). In the Medcomp and AngioDynamics cases, Bard alleges infringement of three patents, U.S. Patent Nos. 7,947,022 (“the ’022 patent”), 7,785,302 (“the ’302 patent”), and 7,959,615 (“the ’615 patent”) (collectively, “Bard Patents-in-

Suit”). In the Smiths case, Bard alleges infringement of the ’302 patent and the ’022 patent. In the Medcomp case, Medcomp alleges infringement of U.S. Patent No. 8,021,324 (“the Medcomp ’324 patent”). All three cases currently are assigned to the Honorable Robert Shelby.

2. On August 20, 2012, AngioDynamics filed three separate Requests for *Inter Partes* Reexamination (the “Requests for Reexamination”) with the U.S. Patent and Trademark Office (“PTO”) requesting reexamination of every claim of each of the Bard Patents-in-Suit.

3. On October 12, 2012, the Court stayed the Bard Actions in their entirety for 45 days “to allow a decision from the ... [PTO] on the currently pending requests for *inter partes* reexamination of ... the [Bard Patents-in-Suit]” and stated that “[t]he parties may request an extension of the stay upon its expiration if necessary.” (Medcomp D.I. 78 at 2; AngioDynamics D.I. 81 at 2; Smiths D.I. 88 at 2).

4. On November 7, 2012, the PTO granted the requests for reexamination of claims 1-20 of the ’022 patent and claims 1-10 of the ’302 patent.

5. On November 13, 2012, the PTO granted the request for reexamination of claims 1-10 of the ’615 patent and denied the request for reexamination of claim 11 of the ’615 patent.

6. On December 17, 2012, Magistrate Judge Evelyn J. Furse stayed all three cases in their entirety, “until such time as the USPTO has issued final rulings on its reexamination of the Bard patents-in-suit” and administratively closed the cases. (D.I. 93; Smiths D.I. 97; AngioDynamics D.I. 88).

7. On December 31, 2012, Medcomp filed objections to Judge Furse’s decision to stay the Bard Actions in their entirety and moved to dismiss its counterclaim without prejudice so that it could file that counterclaim in another forum. (D.I. 95, 96). No other party objected to the stay of the Bard Actions. On February 15, 2013, Judge Shelby overruled Medcomp’s objection and denied Medcomp’s motion to dismiss. (D.I. 99).

8. On April 29, 2013, Medcomp filed a Petition for Writ of Mandamus to the United States Court of Appeals for the Federal Circuit, seeking relief from the Court’s order staying the case and

denying Medcomp's motion to dismiss without prejudice, (Medcomp D.I. 100), which Bard opposed. The Federal Circuit denied Medcomp's petition on August 2, 2013.

9. On June 12, 2013, the PTO issued second office actions in each of the pending reexaminations maintaining all claim rejections and closing prosecution.

10. On August 12, 2013, Bard submitted Patent Owner Comments after Action Closing Prosecution in each of the reexaminations, and on September 11, 2013, AngioDynamics submitted Third Party Requester Comments after Action Closing Prosecution in each of the reexaminations.

11. On October 4, 2013, the PTO issued a Right of Appeal Notice in the reexamination of the '302 Patent. The PTO maintained that all claims were rejected. On November 4, 2013, Bard filed a Notice of Appeal to the PTO's Trial and Appeal Board in the reexamination of the '302 Patent.

12. On October 18, 2013, the PTO issued a Right of Appeal Notice in the reexamination of the '022 Patent. The PTO maintained that all claims were rejected, but withdrew certain grounds of rejection based on Bard's arguments in its August 12, 2013 submission. On November 18, 2013, Bard filed a Notice of Appeal to the PTO's Patent Trial and Appeal Board in the reexamination of the '022 Patent.

13. On November 14, 2013, the PTO issued a Right of Appeal Notice in the reexamination of the '615 Patent. The PTO maintained that all claims were rejected.

14. On January 3, 2014, Bard filed an appeal brief to the Patent Trial and Appeal Board ("PTAB") in the reexamination of the '302 patent. On February 3, 2014, AngioDynamics filed a brief in response. On May 14, 2014, the examiner filed her answer to Bard's brief. The PTAB has not yet decided the appeal.

15. On January 17, 2014, Bard filed an appeal brief to the PTAB in the reexamination of the '022 patent. On February 18, 2014, AngioDynamics filed a brief in response. On May 14, 2014, the examiner filed her answer to Bard's appeal brief. The PTAB has not yet decided the appeal.

16. On February 14, 2014, Bard filed an appeal brief to the PTAB in the reexamination of the '615 patent. On March 14, 2014, AngioDynamics filed a brief in response. The examiner has not yet filed her answer to Bard's appeal brief and the PTAB has not yet decided the appeal.

17. Accordingly, the PTO has not yet completed the inter partes reexamination proceedings for the '302, '022, or '615 Patents.

18. Identical stipulations have been or will be filed in each Bard Action.

DATED this 16th day of June, 2014.

By: /s/ Bryon J. Benevento

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